



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CMM
F. #2013R00948

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 25, 2014

By ECF and Fed Ex Delivery

Richard Haley, Esq.
Haley, Weinblatt & Calcagni, LLP
1601 Veterans Memorial Highway, Suite 425
Islandia, New York 11749

Re: United States v. Philip Kenner
Criminal Docket No. 13-CR-607 (JFB)

Dear Mr. Haley:

The undersigned is firewall counsel in the above-captioned case. The letter supplements the undersigned's November 3, 2014 letter. Pursuant to our conversations, enclosed herein please find three CDs containing copies of the electronic materials seized on November 13, 2013 during the execution of the search warrant at defendant Philip Kenner's home in Scottsdale, Arizona. Specifically, please find: (1) a CD containing documents that firewall counsel has identified as "Privileged," Bates stamped PRIV-PK000002; (2) a CD containing documents that are "Unclear," that is, it is unclear from the face of the document whether a privilege exists, Bates stamped PRIV-PK000003; and (3) a CD containing a clean version of documents to be redacted,¹ Bates stamped PRIV-PK000004. As discussed, these CDs are to replace the CDs previously produced on November 3, 2014.

As you are aware, the CDs previously produced were password protected and, thus, without the passwords, you were unable to open them.² Please be advised that these CDs are also password protected and their respective passwords are as follows:

¹ These documents largely consist of non-privileged communications attached to or forwarded with privileged communications.

² As discussed, please destroy the previously produced CDs which were inaccessible due to the unknown passwords.

- (1) for the “Privileged” CD, the password is Privileged2014!
- (2) for the “Unclear” CD, the password is Unclear2014!; and
- (3) for the CD with the clean version of the reacted documents, the password is Redact2014!

Should you have any questions regarding the enclosed materials, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Catherine M. Mirabile
Assistant U.S. Attorney
(718) 254-6055

cc: By ECF (without enclosures)

Clerk of the Court (JFB)

James Miskiewicz
Saritha Komatireddy
Assistant United States Attorneys